

REMARKS

In the present final office action, the Examiner has indicated that claims 16-22 are allowable. This preliminary notice of allowance with respect to claims 16-22 is gratefully acknowledged.

On the other hand, the Examiner has rejected claims 23-28 under 35 U.S.C. 112, first paragraph, because it is asserted that the specification, while being enabling for certain diseases and disorders, does not reasonably provide enablement for the “treatment or prophylaxis for maintaining health and prolonging life using a compound of formula I”. It is further asserted that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Moreover, the Examiner has maintained that the recitation of the phrase “maintaining health and prolonging life” is broader than the scope of enablement. While the specification provides a method of treating diseases and disorders, the specification fails to teach how these compounds are “useful for maintaining health and prolonging life”. See claim 23. This rejection should now be respectfully withdrawn for the following reasons

Claim 23 has been amended herein whereby the limitation language”. and for maintaining health and prolonging life” has been deleted. This limitation therefore no longer exists, the rejection is thereby moot and should therefore be respectfully withdrawn.

Claims 23-27 are also rejected since claim 23 improperly depends from claim 1 which has been cancelled. This rejection should also be withdrawn for the following reasons. Claim 23 has now been amended to depend from claim 16 which has now in fact now been allowed. Claim 23 and subsequent dependent claims 24-28 now depend from a valid, allowed claim and therefore these should also be allowable. This rejection should therefore also be withdrawn.

Claim 28 has also been rejected for depending from a previously canceled claim, i.e., claim 8. This has also been amended and now properly depends from claim 23. Finally, claim 25 has been rejected as being indefinite under 35 U.S.C. §112 as the phrase “such

as” is allegedly unclear as to whether the limitations following the phrase are a part of the claimed invention. It also has now been amended to depend from valid claim 23 so that this rejection must also be withdrawn.

It is respectfully requested that in light of the afore-stated amendments and remarks claims 23-28 are now in proper form for allowance and should be joined with claims 16-22 and formally allowed and passed on to issue. Applicants, by their Attorney, thanks Examiner Davis for her assistance in the prosecution of this matter and will look forward to receiving the formal papers in due course.

Respectfully submitted,

A handwritten signature in cursive script that reads "Craig M. Bell". The signature is written in dark ink and is positioned above a horizontal line.

Craig M. Bell
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